



The COURT COMPASS

NEWSLETTER OF THE MASSACHUSETTS JUDICIAL BRANCH

SJC Chief Justice Marshall Highlights Value of Inter-Branch Cooperation



Supreme Judicial Court Chief Justice Margaret H. Marshall discussed the interrelationship of the Judicial, Executive, and Legislative branches of government, in a speech to more than 300 members of the League of Women Voters in October. She highlighted the importance of maintaining the Judiciary's independence, as embedded in the Massachusetts Constitution, as well as the Judiciary's responsibility to be held "strictly accountable for every cent of the citizens' money we spend." She added that the government works best when there is "clear, open, and respectful" communication among its branches, and vowed to continue to work cooperatively and courteously with the Legislature and Executive Branch.



At a Leadership Conference in October at the Henderson House in Weston, leaders of the Judicial Branch, including Supreme Judicial Court Chief Justice Margaret H. Marshall, Chief Justice for Administration and Management Barbara A. Dortch-Okara, Massachusetts Appeals Court Justices, Trial Court Chief Justices and Associate Justices, clerks, and administrators, affirmed their support for making *MassCourts* a national model for a comprehensive, integrated court case management system.

MassCourts Will Soon Change Trial Court Case Management

One of the largest, most complex automated court case management systems in the country will begin appearing on desktop computers throughout the Massachusetts Trial Court this year.

MassCourts, which the Information Technology Project plans to begin piloting later this year, earns that distinction because it will link all seven departments of the Trial Court and the Office of the Commissioner of Probation. While bigger states, such as California, are computerizing court information systems within individual departments and divisions, "Massachusetts is the largest state that is connecting all court departments into the same system," said Superior Court Judge Timothy S. Hillman, the IT Project Executive Director.

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"People know that *MassCourts* is coming, but everyone may not realize how close we are," he said during a question-and-answer session in December with judges, staff members, and probation officers at Middlesex Probate and Family Court. "We are on schedule and on track. Over the next several months everyone in the Trial Court will be seeing great changes in how we do our work."

State budget difficulties will not affect the schedule because *MassCourts* is funded through a 1995 bond bill. Chief Justice for Administration and Management Barbara A. Dortch-Okara noted, "None of the funding for *MassCourts* comes from the Trial Court operating budget. It is important to see that *MassCourts* will not cost anyone's job. It will help all of us do our jobs better and more easily, but it will not replace anyone."

Once the last few details are hammered out with the prospective vendor and a contract is signed, IT Project and Trial Court staff will work closely with the vendor and court users to ensure that *MassCourts* fulfills the Trial Court's needs. After the testing phase is completed, the system is scheduled to be implemented state-wide in the summer of 2004.

Better Communication

Susanne F. White, the Automation/Records Manager for the Administrative Office of the Probate and Family Court, as well as the Chair of the IT Project's Change Management Committee, said, "the purpose of the whole computer system is to help people share information. The more we can encourage and facilitate communication among court personnel, the better we will be able to manage our resources."

As the next-generation case management system, *MassCourts* will build on the extensive progress that has been made in the computerization of court information over the last



Office of the Commissioner of Probation Computer Systems Supervisor Joseph H. Holmes answers questions about *MassCourts* during an information session at Middlesex Probate and Family Court.

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— Chief Justice for Administration and Management Barbara A. Dortch-Okara

decade. In Probate and Family Court, for example, virtually all case information was held in paper files until recent years. When a new case was initiated, information such as litigants' and attorneys' names and addresses, the case type, and docket numbers had to be written or typed by hand on multiple forms and files. Any citation — instructions from the court to the parties involved — as well as mailing labels had to be individually typed or hand-written.

The process of indexing cases also was laboriously performed by hand. When a new case is initiated, past files must be searched to determine if parties to the case are also involved in existing cases. On paper,

the mechanism for cross-referencing cases consisted of index cards, similar to a library card catalog, upon which court staff members listed all relevant case names and docket numbers under the name of each litigant.

In 1993, a case management system called CourtView was implemented in the Worcester Division of the Probate and Family Court, which provided for the electronic scanning of case files, their storage on computers, and an indexing function. Files could be quickly located and cross-referenced. "To have even a very basic index application was a huge benefit to both the staff and the public," Ms. White said. "Attorneys and litigants no longer had to stand in line to look at index cards to try to find the case information they needed."

In 1999, the Probate and Family Court began installing BasCOT (Basic Court Operations Tools), the case management system that is the precursor to *MassCourts* in several Trial Court Departments. With BasCOT, case initiation information is put directly into a court database accessible via a network of computers.

Visiting Committee Preparing Recommendations on Court Management

The Visiting Committee on Management in the Courts, established by Supreme Judicial Court Chief Justice Margaret H. Marshall in August, is examining the standards and effectiveness of court managerial systems and developing recommendations to improve the delivery of service in the administration of justice. Chancellor of Boston College J. Donald Monan, S.J., third from right, chairs the Committee. From left are Committee Vice-Chair William C. Van Faasen, President and Chief Executive Officer of Blue Cross and Blue Shield of Massachusetts; Charles D. Baker, President and Chief Executive Officer of Harvard Pilgrim Health Care; Dorothy A. Terrell, President, Platforms and Services Group, Senior Vice President, Worldwide Sales, NMS Communications; Hon. David Mazzone, Senior Judge of the U.S. District Court for the District of Massachusetts; Wesley W. Marple, Jr., Professor of Finance at Northeastern University, College of Business Administration; and Ralph C. Martin II, partner of the law



firm Bingham McCutchen LLP and former Suffolk County District Attorney. Not pictured is Committee Vice Chair Patricia

McGovern, Special Counsel and Senior Vice President for Corporate Affairs of Beth Israel Deaconess Medical Center.

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BasCOT also can apply the information in much more extensive ways. Case information may be searched and organized according to a greater range of criteria; schedules may be generated automatically; and more kinds of citations may be printed with the touch of a button.

A More Powerful Tool

MassCourts will take court automation another giant step forward. "One of the biggest advantages that *MassCourts* will have will be the ability to cross-check information rapidly from all departments of the Trial Court," Ms. White said. "For example, if a person applies for an emergency guardianship of a minor, we will be able to determine quickly if that child already has a guardian approved by another division of the Probate and

Family Court, or even another department of the Trial Court."

With *MassCourts*, staff also will be able to track cases that require periodic review or additional information, such as estate cases for which annual accounts must be filed. Any case for which a report is past due can be immediately identified and notices can be generated and sent to fiduciaries to advise them that the accounts are due.

Court employees also will have a more powerful tool for managing resources. They will be able to look at caseloads in specific court divisions or geographic areas encompassing several divisions, identify state-wide trends or caseflow bottlenecks within a single court, and respond accordingly to resolve any problems.

"Let's say a court has ten 209A (restraining order) hearings sched-

uled for a Friday morning," Ms. White said. "On Thursday afternoon the court's Probation Department can quickly check the schedule, begin gathering all the reports and information they will need, and assign probation officers to specific sessions or judges based on the identified needs. Simply put, *MassCourts* will give everyone the opportunity to determine how they can best manage their own resources."

Growth Process

"Soon after BasCOT was introduced to the various divisions, most of the comments from the people using it were along the lines of, 'I don't know how we ever kept up without BasCOT,'" Ms. White said. "I think

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Focus Group Praises Service and Performance of Barnstable Superior Court

When judges and the staff of the Barnstable Superior Court asked frequent users of the Court to spend an afternoon in early December critiquing the Court's performance and level of service, they weren't sure what to expect.

Approximately sixty professionals involved with the Court, including prosecutors, criminal defense and civil attorneys, local and State Police officers, and victim and witness advocates, came to the forum upon the invitation of Superior Court Judge Richard F. Connon, Chief Probation Officer Joseph Hassett, Jr., and Clerk of Court Scott W. Nickerson. Using an informal question-and-answer format moderated by Supreme Judicial Court Executive Director Ronald P. Corbett, Jr., the session was designed to promote dialogue, solicit suggestions, and assess how well the Court was performing.

"It went very well," said Clerk Nickerson. "People made very good suggestions, and said a lot of positive things about the professionalism and helpfulness of everyone at the Court."



From left are Superior Court Regional Administrative Justice Richard F. Connon, Barnstable Superior Court Chief Probation Officer Joseph Hassett, Jr., Supreme Judicial Court Executive Director Ronald P. Corbett, Jr., and Barnstable Superior Court Clerk of Court Scott Nickerson.

Suggestions included requests for more space for private consultations between attorneys and their clients, installing a seat in the witness box to help people who have to give lengthy testimony, and streamlining security checks for attorneys who enter the courthouse several times each day.

Clerk Nickerson said the Court responded to the comments by working with the county government, which owns the courthouse, to improve the witness box; clearing out a storage room for attorney-client conferences; and forwarding the concerns over identification checks to the Administrative Office of the Trial Court's Security Department.

Participants also had the opportunity to submit written comments

and questions anonymously. "We received no negative feedback whatsoever," said Chief Probation Officer Hassett. "It's a credit to the people who work in all the departments here. They have made the Barnstable Superior Court very user-friendly and professional."

The meeting was part of an ongoing series of focus-group sessions being conducted in courts throughout the Commonwealth. Sessions also have been held at West Roxbury District Court, Norfolk Juvenile Court, and Middlesex Probate and Family Court. The Supreme Judicial Court Clerk's Office for the Commonwealth held a similar session for appellate attorneys on December 17.

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people are going to experience the same thing with *MassCourts*."

Although *MassCourts*, like any project of its scope, may encounter a few difficulties in its early stages, IT Project leaders are confident that court staff will quickly see the advantages it offers.

"It will be a growth process," Ms. White said. "Change is in our future, but it will definitely be worth it in the long run."

To help court staff anticipate the transition, each court department and

the Office of the Commissioner of Probation has a lead contact for the *MassCourts* project. IT Project leaders including Judge Hillman, Manager Susan Laniewski, Deputy Manager Denise Queally, and representatives from Trial Court departments, such as Ms. White, also have been visiting courts throughout the Commonwealth to discuss *MassCourts*. Interested courts may contact the IT Project office to schedule a question-and-answer session by calling (617) 725-1400.

As in December, when the Project leaders visited Middlesex Probate and Family Court in Cambridge, they also are eager to hear suggestions from court staff about how *MassCourts* could best serve their needs.

"People can help this process by thinking about how they can work together to make everyone's lives a little easier," Ms. White said. "When people are asked for input, I encourage them to respond, because that is what will make this project a success." ■

QUESTIONS & ANSWERS



On December 4, the Governor's Council unanimously approved Governor Jane Swift's appointment of Land Court Recorder Charles W. Trombly as one of the Court's six judges. The approval was only the latest step in Judge Trombly's forty-four-year rise through the Land Court, as he began working there as a high school student in 1958.

"I have never been engaged in any business or profession other than my employment in the Land Court," Judge Trombly noted in biographical information provided to the Council. In an interview with the Court Compass last month, he added that "When I go back to my college reunions, I always tell everyone that I'm still working in the same place, living in the same town, married to the same woman. I don't think that happens very often any more."

Attorney Gordon H. Piper, formerly a partner in the Boston law firm of Goodwin Procter LLP, was appointed to the Land Court bench in November. They are filling two seats created by the expansion of the Land Court from four to six judges. Following is Judge Trombly's conversation with The Court Compass, when he was Recorder of the Land Court:

Court Compass: When did you begin working at the Land Court?

Judge Trombly: In 1958 the courts were able to hire summer people, so I started before I graduated from high school. I also worked for several summers while I was going to Holy Cross, and ended up working Christmas and Easter vacations.

Then when I went to Suffolk Law School, beginning in 1962, it so hap-



Hon. Charles W. Trombly, who began working at the Land Court as a summer employee in 1958, was appointed as Associate Justice of the Land Court by Governor Jane Swift and confirmed by the Governor's Council in December.

pened that most of my classes ended at 1 o'clock. So four or five days a week I would work in the afternoon at the Land Court. At the time I just thought I was keeping my foot in the door. Little did I know.

CC: What was your first duty?

Judge Trombly: I worked in what we called the vault, pulling and filing case files. Then I started doing some clerical work. I also would run the switchboard, if the regular operator had to step away for a few minutes or was out sick. It was the old-fashioned kind, where you had to plug in the cords, one end to the outside line and the other to the person getting the call.

CC: When did you see the Land Court as a permanent career?

Judge Trombly: I thought seriously about it in law school. I knew that I enjoyed working here. It's an important job, to clear up land titles, so I

took classes in real property while at Suffolk University Law School.

My big decision was in 1965, when I graduated from law school. I took the bar exam in late June or early July, but had to wait until November for the results. That's when I had to decide whether to go into practice with my dad, who is a lawyer and has been for many years. I was the oldest of seven kids, and I didn't want to hurt his feelings, but after I went to his office maybe four or five times, it was clear to me that working at the Land Court was what I really wanted to do.

I passed the bar exam, and was appointed Deputy Assistant Clerk. Later I became Assistant Clerk, then First Assistant Clerk, and then in 1984 Governor Michael Dukakis appointed me as the Recorder, which in any other court would be Clerk-Magistrate.

CC: Can you describe a typical day in the life of the Land Court Recorder?

Judge Trombly: What I enjoy doing is working at the front counter, taking phone calls, helping people, talking to people, taking in new cases, dealing with judges. As the administrative head of the Court I do have to spend some time in my office, but I'm usually at the front counter.

About ten years ago, another duty was added to my list. The Recorder was given permission to hear and dispose of tax foreclosure cases, of which thousands are filed with the Land Court every year. Usually it's a matter of a city or town taking a property because the taxes are not being paid. We hear these cases three afternoons a week, and they take a lot of time.

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CC: As Recorder, you also were responsible for keeping Land Court records. Did that take a lot of time?

Judge Trombly: Yes, part of my job was to keep track of the Land Court's site plans and maps, and keep them in good shape. Most are here at the [Edward W.] Brooke Courthouse, but some are kept at the records center in South Boston, and some are in storage at the Newburyport District Court. All are accessible. We can have a case here within a week, or even more quickly, if we need to.

Obviously I don't do it all myself. Our engineering department makes the plans and accepts the plans that are filed with us. Some are what they used to call linen plans, but now they're on a sort of plastic. The engineering department keeps them in good shape.

We have many public requests for title abstracts of pieces of property. An abstract is the history of that particular property, going back between fifty and sixty years. Somebody was in here this morning, in fact, doing a title on a property in Gloucester. A title abstract was done in 1915, but they wanted to go back fifty or sixty years before that, to Abraham Lincoln's day.

CC: What is registered land?

Judge Trombly: Registered land is what the Land Court was established for, in 1898. If Joe Smith files a petition to state he owns a particular piece of property, we have a title examination done, a plan or a map is filed, we notify the abutters, and we issue a decree stating that Joe Smith owns the property.

If Harry Jones comes up later and says, "wait a minute, I own that property, I have a deed that goes back to 1812 that you didn't know about," the land registration decree trumps everything else. If Harry Jones loses his property, there is a procedure whereby he can sue the state for

money damages. He cannot get the land back unless he can prove that Mr. Smith committed fraud against the court. If he prevails in his suit against the state treasurer, he can be awarded money damages from an assurance fund, but he cannot get the land back.

'Do I know everything that's going to happen? No, certainly not. I'm going to need a lot of help from the other judges, which I am sure I will get. The judges here are great people, very helpful, very close.'

— Land Court Judge Charles W. Trombly

I'm happy to report that in the history of the Land Court, which is over one hundred years old, the assurance fund has not been touched more than eight or ten times. We have a very good track record. We're very thorough.

CC: As Recorder, did you deal much with statute and case law?

Judge Trombly: Yes. The Land Court bible is Chapter 185 of the General Laws. Chapter 1 of Section 185 sets forth seventy-five to eighty percent of the cases over which the Land Court has jurisdiction. So if an attorney or a *pro se* litigant tells us, "I want to appeal a decision by the zoning board," or "I'm having a boundary dispute with a neighbor who's putting up a fence that I think is on my property," we can advise them as to whether the Land Court has jurisdiction over the case. We can't practice law, but we can advise them. Sometimes it's a tough call as to whether we have jurisdiction.

CC: What kinds of cases will you be hearing as a judge?

Judge Trombly: That will be much broader. I will undoubtedly take cases involving zoning disputes, subdivision appeals, boundary disputes, and any other case relating to land, title, or interest in land, as according to the statute.

CC: How long does it take to hear an average case?

Judge Trombly: It takes a long time to get to the courtroom. If you've got a case that's ready for trial today, for example, we're scheduling cases for six months from now. That's not a good situation. That's why the other judges are very grateful to have two more judges coming on board.

Do I know everything about what's going to happen? No, certainly not. I'm going to need a lot of help from the other judges, which I am sure I will get. The judges here are great people, very helpful, very close. They have lunch together at least once a week. There is a great camaraderie here, and I know them all so that will be a big help too.

CC: Has technology changed the work of the Land Court?

Judge Trombly: Yes, it has. Seeing an engineer draw a plan with a computer for the first time just boggled my mind. In 1958, drawing plans looked like something out of Charles Dickens. We had draftsmen — and they were all male then — sitting in a room with green eyeshades, drawing maps. Now with Computer Assisted Drafting, or the CAD system, the engineers plug information in on a keyboard, push a button, and a map or a plan comes out the printer.

We also have BasCOT [Basic Court Operations Tools], the computerized docketing system, which helps with the scheduling of hearings, status conferences, and trials. We can easily print a list of what cases are going to be

COURTS IN THE COMMUNITY



To inform the public and educate students about the Judicial Branch, judges, clerk magistrates, probation officers, and other court employees throughout the state often meet with school groups, or speak at rotary clubs, chambers of commerce, and other business and civic organizations. Teachers and students visit their community courts to observe trials and other proceedings and to learn about the significant roles of the judges, clerk's office, probation and security departments, and support staff. Judges are often invited to speak at school assemblies and visit classrooms, and clerks reach out to civic groups in their jurisdictions. Some courts conduct annual Law Day programs on May 1.

Examples abound: Superior Judge John McCann is involved in a mentoring program at Westborough High School and often speaks to middle school students in Framingham. Concord District Court Presiding Justice Robert McKenna spoke recently to a law class at Acton-Boxborough High School. Boston Housing Court Judge Anne Kenney Chaplin and Boston Juvenile Court Acting Chief Probation Officer Al Gavaghan met with eleventh graders



In the Supreme Judicial Court Courtroom, Massachusetts Appeals Court Justice Mark V. Green speaks with students from The Fenn School, in Concord, after they observed an Appeals Court session earlier in the day on October 15.

from Belmont High School at the Edward W. Brooke Courthouse earlier this year. Students and teachers from Ipswich High School, Easthampton High School, and an Acton middle school attended oral arguments at the Supreme Judicial Court in December to learn about the role of the appellate courts. Charlestown District Court, East Boston District Court, and many other courts sponsor Law Day programs for students, teachers, and members of the community.

To recognize individuals and courts who reach out to schools and community groups through speaking engagements, mentoring programs, school visits, and special programs, The Court Compass plans to feature these voluntary initiatives. We are interested in hearing about your activities with schools and communities. Please write or e-mail The Court Compass, at the addresses listed on the back page, with information and photos and we will try to publicize your efforts, as space permits.

Questions & Answers

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in court two weeks from now. That's very helpful to us.

BasCOT works well for what it does, but we're also looking forward to *MassCourts*. I've been to meetings and have seen demonstrations of *MassCourts*, and it's going to be great. For one thing, attorneys eventually will be able to check the status of their cases from their office. Not everything is going to be on-line, but they'll be able to get copies of dockets from their own offices.

The use of word processors has changed our business over the years. We used to need about thirty copies of each decision. We had four judges and four secretaries. In fact, my wife, Mary Jo, was a secretary here in the 1960's, that's how I met her. She remembers very well having to type a decision four or five times, because they had to use carbon paper to make copies. If you made a mistake, it was a terrible thing, because you had to change it on each copy, or six or seven

times. It was a nuisance. So just getting word processors has made the job much easier.

CC: As a judge, how do you expect your life will be different?

Judge Trombly: I'll be dealing less with people. It's going to be a little quieter. As I said earlier, I'm usually at the counter, seeing litigants, attorneys, and others all day long. I've made a lot of friends here. As a judge, I'm going to be seeing a lot fewer people, and getting a lot fewer phone calls. ■

Work Begins on Site for Plymouth Trial Court

State and local leaders broke ground in the autumn for the Plymouth Trial Court, to be built on the site of the former Plymouth County Jail and House of Correction. The new courthouse will be shared by the Plymouth District Court, Southeast Housing Court, Barnstable County/Town of Plymouth Juvenile Court, Plymouth Superior Court, and a Trial Court Law Library. In the photo, from left, are Plymouth County Commissioner Peter G. Asiaf, Jr., Plymouth District Court First Justice Thomas F. Brownell, Plymouth County Sheriff Joseph F. McDonough, State Senator Therese Murray, Governor Jane Swift, state Division of Capital Asset Management Commissioner David B. Perini, State Representative Thomas J. O'Brien, State Representative Viriato Manuel deMacedo, Chief Justice for Administration and Management Barbara A. Dortch-Okara, and Supreme Judicial Court Justice Francis X. Spina.



CALENDAR



JANUARY

- 8 Flaschner Judicial Institute: "Experts," presented by U.S. District Court Chief Justice William G. Young, from 5:00 p.m. to 7:30 p.m., in Newton. Third of a four-part lecture series covering practical evidentiary issues.
- 16-17 Judicial Institute: "Intensive Seminar on Issues in Sexual Assault Cases," for Boston Municipal Court, District Court, and Superior Court Judges, from 8:30 a.m. to 4:00 p.m., in Waltham.
- 25 SJC Chief Justice Margaret H. Marshall's Keynote Address at the Massachusetts Bar Association's Annual Conference, at the Sheraton Boston Hotel.

FEBRUARY

- 4 Flaschner Judicial Institute: "Signs and Symptoms of Impairment: What Judges Need to Know," co-sponsored with Lawyers Concerned for Lawyers, in Brockton. (Time to be announced.)
- 12 Judicial Institute: "The Americans with Disabilities Act: An Overview," for Trial Court personnel, in Waltham. (Time to be announced.)
- 13 Flaschner Judicial Institute: "The Future of Life," a discussion with Pulitzer-Prize winning scientist Edward O. Wilson, from 5:00 p.m. to 7:30 p.m. at Harvard University, in Cambridge.

MARCH

- 5 Judicial Institute: "Management Essentials," for selected senior Trial Court Managers, from 8:30 a.m. to 4:00 p.m., in Bridgewater. Program also will run on March 12, 19, and 26.

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For more information on Judicial Institute programs, call (617) 788-6775.
For more information on Flaschner Judicial Institute programs, call (617) 542-8838.

The Court Compass

The Court Compass is a quarterly publication written and produced by the Public Information Office of the Massachusetts Supreme Judicial Court. Please send questions, comments, ideas, or letters to Joan Kenney, Public Information Officer, or to Bruce Brock, Publications Specialist.

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